

Amendment No. 3 to SB0544

**Gardenhire
Signature of Sponsor**

AMEND Senate Bill No. 544*

House Bill No. 624

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-39-207(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Except as otherwise provided in subdivision (a)(3), unless a plea was taken in conjunction with § 40-35-313, no sooner than ten (10) years after termination of active supervision on probation, parole, or any other alternative to incarceration, or no sooner than ten (10) years after discharge from incarceration without supervision, an offender required to register under this part may file a request for termination of registration requirements with TBI headquarters in Nashville. If the person is required to register under this part due to a plea taken in conjunction with § 40-35-313, an offender required to register under this part may file a request for termination of registration upon successful completion of a term of judicial diversion pursuant to § 40-35-313 and upon receiving an order from a court of competent jurisdiction signifying the successful completion of the term of judicial diversion and the dismissal of charges pursuant to § 40-35-313.

SECTION 2. Tennessee Code Annotated, Section 40-39-207(c), is amended by deleting the subsection and substituting instead the following:

(c) The TBI shall remove an offender's name from the SOR and notify the offender that the offender is no longer required to comply with this part if it is determined that:

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(1) The offender has successfully completed a term of judicial diversion, pursuant to § 40-35-313, for an offense under § 39-13-505 or § 39-13-506(a) or (b), for which the person is required to register under this part;

(2) The offender previously entered a term of judicial diversion, pursuant to § 40-35-313, prior to the effective date of this act for the offense for which the person is required to register under this part and subsequently successfully completes the term of judicial diversion; or

(3) The offender has not been convicted of any additional sexual offense or violent sexual offense during the ten-year period and the offender has substantially complied with this part and former part 1 of this chapter [repealed].

SECTION 3. This act is declared to be remedial in nature and to that end applies to any person sentenced pursuant to § 40-35-313 prior to the effective date of this act. This act does not create an affirmative duty for the Tennessee bureau of investigation (TBI) to review its records or notify any person to whom this act applies; however, upon request, the TBI shall verify the record of any person to whom this act applies and, if appropriate, shall remove the person's name from the registry and notify the person that the person is no longer required to comply with the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.